

JOSEPH & HERZFELD LLP
D. Maimon Kirschenbaum (DK-2338)
Charles E. Joseph (CJ-9442)
Michael D. Palmer (MP-5090)
757 Third Avenue, 25th Floor
New York, New York 10017
Telephone: (212) 688-5640
Facsimile: (212) 688-2548

LAW OFFICES OF JEFFREY E. GOLDMAN
Jeffrey E. Goldman (JG-4693)
501 Fifth Avenue, Suite 1900
New York, New York 10017
Telephone: (212) 983-8999
Facsimile: (215) 732-2496

*Attorneys for Plaintiffs Alisa Agofonova
and Aaron Pou, on behalf of themselves
and all others similarly situated*

United States District Court
Southern District of New York

ALISA AGOFONOVA and AARON POU on)
behalf of themselves and all others similarly)
situated,)

Plaintiff ,)

v.)

NOBU CORP., NOBU ASSOCIATES, L.P.,)
NOBU NEXT DOOR, LLC, NOBU 57 LLC,)
DREW NIEPORENT, and RICHARD NOTAR,)

Defendants.)

Index No: 07 CIV 6926 (DAB)

JUDGE: HON. DEBORAH A. BATTS

**NOTICE OF MOTION FOR CERTIFICATION OF A SETTLEMENT CLASS AND
FINAL APPROVAL OF A CLASS ACTION SETTLEMENT**

Please take notice that, upon the annexed memorandum of law and attachments thereto,
Plaintiffs will move this court, before Judge Deborah A. Batts, pursuant to Rule 23 of the Federal
Rules of Civil Procedure, on February 6, 2009 at 2:30 p.m., for an Order (1) granting final
approval of a class action settlement, (2) certifying the settlement class, (3) awarding Class

Counsel's attorneys' fees and costs, (4) approving the incentive awards requested, and (5) granting such other relief as the Court deems just and proper.

Respectfully submitted,

Dated: New York, New York
January 30, 2009

JOSEPH & HERZFELD LLP

/s/ D. Maimon Kirschenbaum

D. Maimon Kirschenbaum (DK-2338)
Charles E. Joseph (CJ-9442)
Michael D. Palmer (MP-5090)
757 Third Avenue, 25th Floor
New York, NY 10017
Tel: (212) 688-5640
Fax: (212) 688-2548

LAW OFFICES OF JEFFREY E. GOLDMAN
Jeffrey E. Goldman (JG-4693)
501 Fifth Avenue, Suite 1900
New York, New York 10017
Telephone: (212) 983-8999
Facsimile: (215) 732-2496

Attorneys for Settlement Class